


UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF INDIANA  
INDIANAPOLIS DIVISION

|                     |   |                           |
|---------------------|---|---------------------------|
| ALAN RACKEMANN,     | ) |                           |
|                     | ) |                           |
| Plaintiff,          | ) |                           |
|                     | ) |                           |
| v.                  | ) | No. 1:17-cv-00624-TWP-MJD |
|                     | ) |                           |
| LISNR, INC., et al. | ) |                           |
|                     | ) |                           |
| Defendants.         | ) |                           |

**REPORT AND RECOMMENDATION**

This matter is before the Court on Plaintiff's *Motion to Strike or Dismiss Counterclaims* [[Dkt. 193](#).] On January 23, 2018, District Judge Tanya Walton Pratt designated the undersigned Magistrate Judge to issue a report and recommendation pursuant to 28 U.S.C. § 636(b)(1)(B). [[Dkt. 238](#).] Plaintiff's Motion and the parties' subsequent briefing is based upon Defendant LISNR's Amended Answer and Counterclaims [[Dkt. 166](#)]. On January 10, 2018, Defendant LISNR filed a Second Amended Answer and Counterclaims [[Dkt. 218](#)] and Plaintiff has now filed a second Motion to Dismiss [[Dkt. 250](#)] based upon the new set of counterclaims. Consequently, the Magistrate Judge recommends Plaintiff's previously filed *Motion to Strike or Dismiss Counterclaims* [[Dkt. 193](#)] be **DENIED AS MOOT**.

Dated: 12 FEB 2018

  
\_\_\_\_\_  
Mark J. Dinsmore  
United States Magistrate Judge  
Southern District of Indiana

Distribution:

Service will be made electronically  
on all ECF-registered counsel of record via  
email generated by the court's ECF system.